

REMARKS

Claims 19, 33, and 36-40 are currently pending in this application, with new Claims 37, 39, and 40 being independent in form. As indicated above, Claims 19, 33, and 36 are amended, Claims 37-40 are newly added, and Claims 15-18, 20-32, 34, and 35 are cancelled without prejudice. It is respectfully submitted that no new matter is added.

In the Final Office Action, Claims 15-36 are rejected under 35 U.S.C. §102(e) as being anticipated by *Baum et al.* (U.S. 2004/0190482). Specifically, the Examiner asserts that *Baum* explicitly teaches all the recitations of these claims.

Baum is directed to a downlink frame that is divided into similar sized resource blocks with each co-channel sector scheduled to transmit from the beginning of its respective assigned resource block. Transmissions to remote units within the particular sector will occur only within the particular resource block, up to a point where all N resource units have been utilized. Beyond that point, additional transmissions are scheduled to be transmitted at the end of the resource blocks assigned to the other sectors.

As indicated above, independent Claims 37, 39, and 40 are newly added, which recite *inter alia* a default resource within the radio resource, the radio resource includes a plurality of subchannels and a plurality of symbol intervals, a size of the default resource is determined using a number of available subchannels from among the plurality of subchannels, and that the map includes information on the number of the unit resources allocated to each of the plurality of bursts, at least one index of each of the plurality of bursts, information on an order of each of the plurality of bursts, and information on the size of the default resource, wherein the at least one index is based on the size of the default resource.

It is respectfully submitted that *Baum* fails to teach these recitations of new independent Claims 37, 39, and 40.

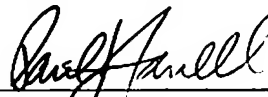
MPEP §2131 Anticipation clearly states that to anticipate a claim, the reference must teach every element of the claim. In addition, The United States Court of Appeals for the Federal Circuit has consistently held “that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc., v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008). As indicated above, *Baum* does not disclose within the four corners of the document all of the limitations claimed, nor does *Baum* disclose all of the limitations arranged or combined in the same way as recited in each of new independent Claims 37, 39, and 40.

Therefore, based at least on the foregoing, it is respectfully submitted that new independent Claims 37, 39, and 40 are not anticipated by *Baum*, and are believed to be in condition for allowance.

Claims 19, 33, 36, and 38 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 37, 39, and 40.

Accordingly, all of the claims pending in the Application, namely, Claims 19, 33, and 36-40, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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